

## **MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING**

10 May 2004

**PRESENT:** Cynthia A. Herman, Chairman  
Gary Daniels, Vice Chairman  
Noreen A. O'Connell, Member  
Len Mannino, Member  
Lawrence D. Pickett, Member  
Katherine E. L. Chambers, Town Administrator  
Darlene J. Bouffard, Recording Secretary

**1. CALL TO ORDER:** Chairman Herman called the meeting to order at 5:00 p.m.

**2. MINUTES:** The final minutes of March 29, 2004 were presented to Chairman Herman for approval. Vice Chairman Daniels moved to approve the minutes as presented. Selectman O'Connell seconded. All were in favor.

The final minutes of the April 12, 2004 meeting were presented to Chairman Herman for review. Vice Chairman Daniels moved to accept the minutes as edited. Selectman Mannino seconded. All were in favor.

The final minutes of April 26, 2004 were presented to Chairman Herman for review. Chairman Herman indicated she would like to listen to the tapes for clarification prior to approving the minutes of April 26, 2004. Vice Chairman Daniels moved to table the minutes of April 26, 2004. Selectman Mannino seconded. All were in favor.

### **3. REPORTS OF BOARDS & SPECIAL COMMITTEES:**

**-Alternate Fiscal Year Committee.** Vice Chairman Daniels reported that only 3 members were available for the first meeting, therefore it was postponed until May 25 at 7 p.m.

**-Ambulance Billing Write-Off Committee.** This committee met last week; Selectman Pickett reported that a stack was done. Chairman Herman asked if totals could be made available. Town Administrator Chambers responded that totals were never provided before but can be provided after the next meeting.

**-Ambulance Study Committee.** There is a meeting scheduled for May 19, 2004.

**-Board of Selectmen Goals.** Chairman Herman requested that the minutes for the various committees become part of the packet that the Board of Selectmen review for their upcoming meeting. Vice Chairman Daniels suggested that the minutes be made available on line in order to avoid making copies.

**-Conservation Commission.** There is nothing new to report.

**-DO-IT Committee.** A design committee meeting is scheduled for May 18, 2004, which Bill Ruoff will attend.

**-Facilities Committee.** This committee is meeting every two weeks and they are reviewing all capital improvement projects and concentrating on recreation projects.

**-Fletcher Cap Committee.** An organizational meeting will be held soon. A draft of the charge is ready for review.

**-Government Study Committee.** More information regarding job descriptions has been requested and the committee has asked for the Personnel Manual.

**-Heritage Commission.** There is nothing new to report.

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**-Impact Fee Committee.** Ambulance, Fire and Recreation still need to be done; the committee is waiting for staff to get together. This is projected to be complete by the end of the year.

**-Joint Loss Management Committee.** There is a meeting scheduled for Tuesday, May 11 at 9 a.m., at the Fire Station. Building inspections are being done.

**-Library Trustees.** The library has requested a Board of Selectmen representative.

**-MACC Base.** A meeting is scheduled for Thursday, May 20, 2004; prior to that meeting, the Board of Selectmen need to meet 9 until 10:30 a.m. Chairman Herman to follow up.

**-Manifest.** There is nothing new to report.

**-MIDC.** There was a meeting on May 5 that included a presentation on a proposal to build housing for 55+ residents on the BROX property - the developers want to buy the whole parcel. The portion that the Town wants to use will be given back to the Town. Bill Parker said there are some complications that need to be worked out. The industrial land would need to be taken out of industrial use. These developers have other successful projects in New England and have come into the office to talk with Bill Parker. There will be more MIDC discussion and there is another meeting on Wednesday May 19. MIDC is also working on a final contract with Brad Vear on the sale of the commercial property.

**-NH School Health Care.** There is nothing new to report.

**-NRPC.** NRPC is hosting the State of the Souhegan River meeting here next week.

**-PEG Access Committee.** A meeting is scheduled May 18, 2004 in the TV studio at the high school.

**-Personnel Committee.** A meeting is scheduled May 26, 2004 at 10 a.m.

**-Planning Board.** There is a public hearing Tuesday night, May 11 to review the Planning Board procedures and there is a site walk at Hampshire Hills at 5:30 to look at where the mega-plex will go.

**-Police Station Building Committee.** A site walk was held last week at the Garden Street School to determine what granite could be saved. This committee meets every Thursday at 7 p.m. The committee passed back to the School Board the demolition cost research for Garden Street.

**-Recreation Commission.** A meeting is scheduled for May 12, 2004 at 7 p.m.

**-Recycling Committee.** This committee met Wednesday, May 5, and is getting plans together for the summer and what to do with the available money. The committee talked about a new brochure and how to get it distributed to Town residents. Town Administrator Chambers reported that the signs are being installed on the old posts as they get re-made. Vice Chairman Daniels said the signs are being made by the corrections facility, and as they are received they will be installed. Town Administrator Chambers asked if the Recycling Ordinance is being reviewed, to which Vice Chairman Daniels said it is. This committee meets the first Wednesday of every month.

**-Regional Water District.** The charter is out of committee and will be discussed later this evening. Town Administrator Chambers indicated she received notice of a hearing at Hillsborough Superior Court, South on May 13 at 1:30, in Nashua - it is Pennichuck versus Nashua. The PUC is waiting to see what happens. Town Administrator Chambers has also received Nashua's response and will circulate to Board of Selectmen members.

**-School Board.** The new superintendent has attended his first School Board meeting and is now working.

**-Solid Waste Committee.** There is nothing new to report.

**-Water/Sewer District Committee.** The committee needs to be appointed tonight.

**-Zoning Board.** There is a meeting scheduled for Thursday, May 13, 2004.

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There were no other reports for this evening.

### 4. APPOINTMENTS:

**5:00 p.m. - AFSCME Contract.** Patrol Officer Garrett Booth, former Patrol Officer Craig Frye, and former Patrol Sergeant Rance Deware requested that retroactive wages be provided to those AFSCME Union employees whose employment terminated prior to the effective date of the contract.

**5:10 P.M. - Non-Public Session - Negotiations.** Upon motion made by Vice Chairman Daniels and seconded by Selectman Mannino, all members assented to enter into non-public session at 5:10 p.m. After discussion, a motion was made by Vice Chairman Daniels and seconded by Selectman Pickett to come out of non-public session at 5:29 p.m. It was announced by Chairman Herman that the Board of Selectmen would stick with the language of the contract, so there will not be retroactive pay given to staff that left before the effective date of the contract.

**5:30 p.m. - Nashua Street Traffic Study Findings.** Steve Pernaw, from Steve Pernaw and Company, was introduced to the Board of Selectmen members. Chairman Herman explained that Mr. Pernaw had about 15 minutes to explain his findings regarding the Nashua Street traffic study and then the Board may have questions. Steve Pernaw responded that it was found that the Powers Street intersection does not need a traffic signal, but a traffic signal could be installed at the Ponemah Hill Road intersection. Giorgio's Restaurant may be built at that intersection as well and that will have an affect on the signalization. Mr. Pernaw's charge was to look at the Powers Street and Ponemah Hill intersections and determine which intersection required a light. The peak hours are 7:30 to 8:30 a.m. and 4:30 to 5:30 p.m. It was concluded that Powers Street does not meet any of the criteria required for a signal, but that Ponemah Hill Road did meet some of the criteria for Section 1B. Chairman Herman indicated the hours shown as "peak" are not the hours that Powers Street has most of the traffic going in and out because of the shift traffic. Steve Pernaw understands that, but it really comes down to the traffic that comes out of the side streets. The road is posted at 25 mph on Nashua Street. There are a lot of complaints about Powers Street, but it is not quite enough. Vice Chairman Daniels asked if the signal is needed if only one criterion is met? Steve Pernaw responded that only one criterion needs to be met. If it was just the peak hour traffic count that was met, the State might give the Town a problem with putting in a signal. Selectman O'Connell asked if adding a light at Ponemah Hill will impact the Powers Street traffic flow. Mr. Pernaw feels that intersection is too far away to benefit Powers Street; however, whenever a signal is added, the backups get broken up, it may break up some of the traffic but will not make it go away.

Selectman O'Connell also noted that the way Giorgio's positions the driveway will also affect this intersection. Chairman Herman asked for clarification on the options for the Giorgio's driveway. Mr. Pernaw explained that a revised plan is being reviewed and it has two driveways. The intersection can work with one through lane in each direction. The expansion to Hampshire Hills is not in this equation yet either. Two configurations for the restaurant were considered. During evening peak hour it appears there will be no impact. Nashua Street stacking was looked at and will go by the driveway to Giorgio's. From a safety standpoint, Mr. Pernaw would suggest putting a driveway directly across from Ponemah Hill Road. Another layout is being worked on. Selectman O'Connell asked if the stacking will interfere with Dunkin Donuts. Mr. Pernaw does not have those numbers, but worst case, it is possible. Selectman O'Connell travels through the Ponemah Hill Road intersection every day and the figures presented in the peak traffic flow do not seem to jive with the real life situation. Selectman O'Connell thinks the light should be at Powers Street to break up the traffic at the Ponemah Hill Road intersection. Selectman Mannino asked about the White Duck Car Wash, which currently hires traffic control and would seem to be a bigger problem than Dunkin Donuts. Mr. Pernaw does expect cars to stack up.

Chairman Herman asked if the Planning Board is reviewing and making a decision on this. Bill Parker responded that the Planning Board now has a recommendation and will start to look at a Warrant Article. Mr. Parker asked if there is anything in the recommendation from Mr. Pernaw that could help the Powers Street intersection other than a light. Mr. Pernaw suggested a police officer for traffic control during peak hours. This location can be looked at, but it seems that it is not a well-defined peak hour. A flashing red or yellow light could also be considered. Chairman Herman asked if this traffic study has taken into consideration the extra housing being put in behind County Stores. Bill Parker responded that at the time the elderly housing was coming in, the traffic was looked at and did not really add much more traffic to that intersection. Chairman Herman clarified that she is talking about the housing being built right now on Nashua Street. Bill Parker said that is just a difficult entrance and exit. When the town-

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wide traffic study was done they had included that. Selectman Pickett asked if trucks affect the traffic in that area. Mr. Pernaw responded the trucks do not seem to affect that traffic. Selectman Pickett asked if wait time comes into play, because Ponemah seems to move but Powers Street traffic seems to just sit there. Mr. Pernaw said the reason that the Ponemah Hill Road intersection works better is that most of the traffic from Ponemah Hill Road is turning right, where Powers Street has more left turning traffic. Rich Hillman of Saint – Gobain on Powers Street asked if this study took into account the number of accidents at each intersection. Mr. Pernaw said if there is a high accident criterion, it would be looked at for a signal, but other criteria must also be met. If a light is added at any intersection, the number of accidents will actually be increased - usually minor rear end accidents. The most dangerous accidents will go down, but rear end accidents will increase. All Board of Selectmen members accepted the report from Steve Pernaw. Town Administrator Chambers will have copies of the report made for those businesses that helped pay for the study.

**6:00 p.m. - Budget Committee Composition & Meeting Schedule Discussion.** Nancy Amato informed the Board of Selectmen that the Budget Advisory Committee (BAC) has been appointed and it is a well-rounded group. Ms. Amato asked if there is a projected schedule and will it be like it was done before. Town Administrator Chambers and Rose Evans have discussed the budget schedule and have talked with Department Heads and agree it would be beneficial if the Budget Advisory Committee could get together with the Board of Selectmen to discuss the schedules. Last year things got dragged out, so if everyone could work toward moving things up it would be much more productive. Ms. Amato would like to have the Board of Selectmen and Budget Advisory Committee work closely together and asked for the charge of the committee. Town Administrator Chambers said she is looking for that charge but has not put her hands on it yet. Selectman Pickett indicated he may have a copy of the charge at his house. Therese Oriani-Muller arrived and Chairman Herman explained what was discussed with Nancy Amato thus far. Ms. Oriani-Muller thinks the committee should get feedback on the articles beforehand. Town Administrator Chambers asked if the Board of Selectmen members are interested in changing the process at all. Town Administrator Chambers suggested working on the default budget early, and from that developing a comfortable target budget. Department Heads could develop budgets to that target identifying programs and activities they are unable to include in that baseline. Last year the schedule continued to get extended. There was not yet BAC approval going into the budget hearing. We need to get the approval in December. Ms. Oriani-Muller has a copy of the Mission Statement and Rose Evans has an operating budget and default budget that could be available for the first meeting, around mid-to late-June. Town Administrator Chambers recommended the Board think about whether or not the BAC, the Board of Selectmen and Department Heads could meet together in September to hear their budget presentations to save everyone some time. Ms. Oriani-Muller said she will ask BAC members what would work for everyone.

**6:15 p.m. - 2004 Spring Exemptions.** The information provided by Greg Heyn, Assessor was reviewed by Board of Selectmen members. Greg Heyn indicated that \$55,000 would be the total exemption for the year. Last year the total was \$31,000.

Vice Chairman Daniels moved to approve the Elderly Exemptions recommended by Greg Heyn, Assessor, for tax year 2004 with the exception of account number 2375. Selectman O'Connell seconded. All were in favor.

Vice Chairman Daniels moved to deny the Elderly Exemption for tax year 2004 for account number 2375 as recommended by Greg Heyn, Assessor. Selectman O'Connell seconded. All were in favor.

Vice Chairman Daniels moved to approve the Religious, Charitable and Educational exemptions recommended by Greg Heyn, Assessor, for tax year 2004 with the exception of Little Arrows because he is on the Board of Directors. Selectman O'Connell seconded. All were in favor.

Selectman O'Connell moved to approve the Religious, Charitable and Educational exemptions recommended by Greg Heyn, Assessor, for tax year 2004 for Little Arrows. Selectman Mannino seconded. Selectmen Herman, Mannino, O'Connell and Pickett were in favor, with Vice Chairman Daniels abstaining.

Vice Chairman Daniels moved to approve the Residence in a Commercial Zone exemptions recommended by Greg Heyn, Assessor, for tax year 2004. Selectman Mannino seconded. All were in favor.

Vice Chairman Daniels recommends denial of the requested exemptions that have been recommended for denial by Greg Heyn, Assessor, but would like to seek Town Counsel input prior to denial. Town Administrator Chambers indicated the Board of Selectmen would need to meet in order to do that and recommended the Board of Selectmen

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to vote on the exemption tonight. The second tax bill could have an abatement if it is found that the tax needs to be modified.

Vice Chairman Daniels moved to deny the requested exemption for Southern New Hampshire Medical Center. Selectman Mannino seconded. All were in favor.

Vice Chairman Daniels moved to deny the requested exemption for Beaver Brook Association. Selectman Mannino seconded. Selectmen Herman, Daniels, Mannino, and Pickett were in favor, with Selectman O'Connell abstaining.

The copy of the above exemptions has been attached to these minutes hereto and are made a permanent part of these records. Rose Evans indicated that the tax bills will be sent out the week of May 16.

**7:00 p.m. - Pedestrian Bridge Contract.** Matt Low from HTA, provided an update to the Board regarding the Pedestrian Bridge. Last fall, HTA was hired by the Town for the bridge; the necessary permits were obtained and the final design has now been finished. The bridge was advertised for bids and five bids were received. The low bidder is PRB, from Gilford NH. The contract has not been awarded by the Town, pending the purchase of a piece of property from an abutter and finalization of the Boys & Girls Club easement. The Planning Board will have the hearing on the parcel owned by the Thunberg's. Once that parcel is sold and squared away, Matt Low would recommend an award be placed with PRB, at which point insurance and payment bonds would be established. A schedule was developed and consideration was given as to how this project may impact recreation programs. Matt Low has confidence that this bidder will come to an agreement and have the end date of the project very close to the original plan. Chairman Herman asked if the bridge will be complete before snow flies. Matt Low answered that the contractor expects the bridge to be done by the end of September, but Matt would like it done by the beginning of September. Everything is in place and Matt is just awaiting resolution of the property issues. Chairman Herman asked if the amount of the bid comes under the grant. Town Administrator Chambers said it does and the cost of the bridge came in at about \$250,000. Town Administrator Chambers asked Matt Low about the qualifications of the bidder. Matt Low explained that PRB is a construction firm that he was not familiar with and he did some research and asked the firm for references that he was familiar with. He talked with other contractors with whom he has worked and everything Matt has received has been positive. PRB is very willing to work with the Town on the schedule. Matt has no reason to believe there is any problem.

Chairman Herman asked when the money moves? Town Administrator Chambers said that is not until the land is signed off. Matt Low said insurance documentation and construction payment bonds will be requested once the process is begun. Town Administrator Chambers added that the EPA project manager of the Fletcher Site does not have any concern with this because the Town is not putting anything in the river. Chairman Herman asked if there will be any problems getting trucks to and from the Fletcher Site, to which Town Administrator Chambers answered no. Selectman Pickett asked where the low bid is, as compared to the next highest bid. Matt Low indicated the low bid is at \$250,174, the next bid was \$264,000, then \$268,000, then \$315,000 and the highest was \$321,000. Selectman Pickett asked about prior experience with bridges for this contractor. Matt Low explained this contractor has done footbridges and he will subcontract the installation of the bridge itself, which requires a big crane. The site work was originally going to begin today, and the bridge would be installed about September 17, but with the few weeks delay, there will need to be some leeway on the June 30 date. There are some timeline decisions that need to be made. The schedule will need to be somewhat flexible. The tennis courts will not be impacted until September. Vice Chairman Daniels moved to award the pedestrian bridge contract to PRB Construction from Gilford. Selectman Pickett seconded. All were in favor.

### 5. UNFINISHED BUSINESS:

**-Approval of Amended Compost Marketing Agreement.** Vice Chairman Daniels and Selectman Mannino met with Larry Anderson of the WWTF last week and went over the contract one item at a time. A lot of questions were discussed, and Larry Anderson has not had time to address all of them yet, but will have them done by next week. Once the new language is in, Larry Anderson will present the contract to Agresource. Chairman Herman asked about the current storage situation. Larry Anderson responded that the plant is "maxed out". Vice Chairman Daniels moved to table. Selectman Mannino seconded. All were in favor.

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**-Second Reading of Modifications to the Hawkers, Peddlers & Vendors Ordinance.** The revised ordinance was presented to Board of Selectmen members for review. Vice Chairman Daniels moved to accept the second reading of the modifications to the Hawkers, Peddlers & Vendors Ordinance as follows:

The activities of hawkers, peddlers and vendors is prohibited on any day after the hours of nine p.m. and prior to nine a.m. and all day on Sundays and legal holidays. The board of selectmen may, however, allow different hours of operations. Further, there should be no activities by the previously mentioned groups of individuals on any town-owned property, town right-of-way, or any otherwise-described town property without the expressed, written consent of the Milford board of selectmen or their duly authorized agent. (Ord. 9-14-92 § 1(2))

Selectman Mannino seconded. All were in favor.

**-Request to Consider NHMA Policy Issues List.** Chairman Herman suggested that if there is a specific issue that the Town can address, the Board of Selectmen should discuss it as they come before legislation. Vice Chairman Daniels asked if NHMA was contacted about the issues. Chairman Herman said NHMA is accepting input and they will continue with the list of issues as long as there is support.

**-Discussion of Board Policy on Responding to Legislative Proposals at the State Level.** Chairman Herman provided draft language to Board of Selectmen members for a policy regarding legislative positions and requested input. Chairman Herman is concerned that this version of the policy does not have the same tone as other Town policies and it could be made to be more reader friendly. Selectman Mannino moved to table. Vice Chairman Daniels seconded. All were in favor.

**-Proposed Amendments to the Employee Handbook RE: Requests for Leave Without Pay.** A copy of the proposed change to the Employee Handbook regarding Personal Time was provided to the Board for review. Vice Chairman Daniels moved to approve the changes to the policy. Selectman Mannino seconded. All were in favor.

**-Appointment of Separate Water/Sewer District Study Committee.** Two members, Dave Quigley and Merv Newton, have already been appointed to this committee. Paul Bagley has expressed interest, but has limited time to offer. Wayne Hardy and Judy Plant would like to join this committee as well. This is a small committee with a big charge and even if Paul Bagley can give some time it would be helpful. Vice Chairman Daniels moved to appoint Wayne Hardy and Judy Plant to the Water & Sewer Village District committee. Selectman Pickett seconded. All were in favor. Chairman Herman indicated that she is willing to represent the Board of Selectman.

**-Consideration of State Motor Vehicle Registration - MAPP & COMPASS.** Town Administrator Chambers has not heard anything more on this. The Town should hear from Rick Bailey by May 17. Chairman Herman understood that the Towns that were going to go on-line in May or June have now been pushed out to July or August.

**-Lease Agreement with US Cellular Discussion.** Town Administrator Chambers requested this be taken up in non-public session at the end of tonight's meeting.

**-Tax Collector / Town Clerk Reorganization Discussion.** Awaiting report.

**-Proposed Draft Amendments to Town Wrecker Rotation Policy.** Town Administrator Chambers explained the changes to the policy, including the requirement for proof of registration and insurance on an annual basis. Chairman Herman would like language to be consistent regarding whose decision it is. Chief Douglas explained that it was the Police Department that had the right to remove the towing company and the Board of Selectmen had a final say. Chairman Herman asked who is notifying MACC Base of the removal of a tow company. Town Administrator Chambers said they will have a copy of the regulation and she will notify MACC if changes are made. Vice Chairman Daniels asked how the Board of Selectmen ensures that the tow companies are reputable. Town Administrator Chambers said the Town does not get into that, but we are introducing the proof of registration and insurance. There are no regulations for tow companies. It used to be more regulated but it has been removed from the State level.

Chairman Herman asked if the Town has a list of rates and fees for each tow company. Town Administrator Chambers said that was not something the Town could begin to regulate. Chairman Herman indicated she doesn't want the



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Town to regulate it, just have the cost for information. Selectman O'Connell asked about some of the verbiage in the revised policy, regarding clearing the scene of an accident. Chief Douglas explained the intent of the portion of the policy regarding clearing debris is for the tow company to make sure all the debris is taken out of the scene. Selectman Mannino asked if the Board of Selectmen can limit the number of tow companies on the list. Chairman Herman responded the limit is companies within 6 miles of the oval. Chairman Herman asked if the customer can request a certain tow company? Chief Douglas said that is called "Customer Request". Chairman Herman asked if the customer requests the cheapest company, can that be done? Chief Douglas said that the officers cannot provide that information. Selectman Pickett asked why only companies within 6 miles of the oval can be used? Chief Douglas responded that originally it was felt that the tow companies should be from the Town and brought to a mechanic in the Town. The 6-mile limit was reasonable to have the officer sit at the scene of the accident for that period of time, awaiting the tow company. The amount of towing needed in Milford cannot be handled by the companies in Milford. Selectman O'Connell asked if the towing company will take the vehicle to the mechanic of the customer's choice? Chief Douglas responded that the tow company will either take the vehicle to his own facility or to a storage facility. Kent Sheldon said he met several years ago with Chief Douglas and the police captains to come up with the regulation. There were a lot of changes made then regarding if a tow company was not available, could they call another company. Mr. Sheldon said he cannot tow in Amherst because his business is not in Amherst, but he is aware of other tow companies who call another company if they are unable to respond, and that should not be done. Chairman Herman asked why Milford uses tow companies outside of Town? Chief Douglas does not think the ones in Milford can handle all the calls. Chairman Herman asked if Milford companies could be used first, and if there is an overload then it goes to the other companies outside Milford. Selectman Pickett indicated that could cause some problems when trying to locate the vehicle that was towed. But if the company that was called cannot respond, Chairman Herman said it should go to the next tow company. Board members agreed that the language in the policy needs to be worked on. Selectman Pickett and Vice Chairman Daniels agreed they would work on the policy. Vice Chairman Daniels moved to table. Selectman Pickett seconded. All were in favor.

**-Status of Osgood Pond.** There is still a delay on this project.

**-Development of the Charge to the Fletcher Cap Committee.** Nancy Amato explained to the Board, that the EPA has two options for handling this site: taking the soil away or leaving the soil and treating it at the site. She introduced John Bierschenk, who owns Terratherm in Fitchburg MA who said there is an alternative and it is a technology developed by Shell Oil. By heating the soil hot enough underground, that would remove the contamination. This technology started in the 1980's. Shell brought this technology to the EPA for the Fletcher Site in 1996 and that is when John became involved as a member of the Conservation Commission. The technology was too new in 1996 and the EPA did not agree to use it, so it was taken off the table and the plan was to dig it all up and have an above ground treatment that does the same thing. John wanted to let the Town know about this technology as another option. Chairman Herman asked if there is a way to find out if there would be cost savings? John said that would need to be done once a design is developed. The Board thanked John for the presentation and took it under advisement.

Chairman Herman asked if Board members reviewed the draft charge for the Fletcher Cap Committee and if Town Administrator Chambers has pulled out the file. Town Administrator Chambers explained the file is quite extensive. Selectman Pickett asked if the use is limited to a parking lot and landscaping? Town Administrator Chambers indicated the utility plan is another part of it - the Town wants to make sure the cap is not disturbed. It is up to the Board of Selectmen what goes on top of the site, the Town is obligated to put a cap on the site and to maintain it. Selectman Pickett felt the charge was too restrictive and suggested the removal of "landscaping / parking". Town Administrator Chambers recommended replacing those words with "use". Selectman Mannino suggested a No Swimming sign be posted at the river because of this work. Selectman Mannino moved to accept the revised charge - replacing all occurrences of "landscaping / parking" with "use". Vice Chairman Daniels seconded. All were in favor. The final charge to the committee is as follows:

Charge - Undertake the following in order to make a recommendation to the Board of Selectmen:

1. Meet with the Town's consultants for a briefing on the Town's legal position and commitment regarding the cap

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2. Collect information on other superfund sites that have been cleaned up and covered with impermeable caps to find out what their experience with the monitoring and maintenance of the cap has been
3. Determine and develop a use plan, which will be an improvement to Elm Street, taking advantage of the vista of the Souhegan River that has been opened up since the demolition of the Fletcher Paint Works building. Consider the neighboring properties: the Cemetery, the School, the Korean War Memorial, Keyes Park, commercial entities, residential properties.

Based on the landscaping plan, determine and develop a utility plan to support the use plan requirements (lighting, water, sewer, etc.).

**-Non-Public Session - US Cellular.** Upon motion made by Vice Chairman Daniels and seconded by Selectman Mannino, all members assented to enter into non-public session at 10:03 p.m. to discuss the US Cellular negotiations. After discussion, a motion was made by Selectman O'Connell and seconded by Vice Chairman Daniels to come out of non-public session at 10:20 p.m. No announcements were made.

**-Non-Public Session - Personnel.** Upon motion made by Vice Chairman Daniels and seconded by Selectman O'Connell, all members assented to enter into non-public session at 10:20 p.m. to discuss a personnel issue. After discussion, a motion was made by Vice Chairman Daniels and seconded Selectman O'Connell to come out of non-public session at 10:23 p.m. No announcements were made.

### 6. NEW BUSINESS.

**-Wastewater Stand-By Generator Replacement.** Larry Anderson of the WWTF, requested Board authorization to use money from the Wastewater Fund capital reserve to purchase a new stand-by generator to replace the generator which has failed. This is a 25-year old piece of equipment and it just stopped working. There has been regular maintenance performed, but it just broke. Vice Chairman Daniels asked if the money would come from the same account as the new building? Larry Anderson responded that this money is from a different account - the capital reserve. Selectman Mannino asked if the generator that failed has any value? Larry Anderson replied that it does not, all the parts together cost about \$80,000 dropped off and not installed. The engine is fine, it is just the generator which has no value by itself. If this is not replaced, it costs about \$5,400 per month to rent the generator - the plant cannot be without power. There is no plan to use any of the capital reserve money for this year. Town Administrator Chambers indicated this is exactly what this fund is set up for. That is why the Town likes to leave extra money in the fund in case something like this happens. Selectman Pickett does not understand why there was no anticipated time when this item would break. Chairman Herman noted that would be part of the CIP. Vice Chairman Daniels moved to authorize expenditures not to exceed \$60,000 for the purpose of completing the necessary repairs to the WWTF generator. Selectman Mannino seconded for discussion. Selectman Mannino asked about the line item of \$5,400 for rental costs and why is that also being requested? Larry Anderson explained the lead-time for this part is about 6 weeks so we will need to rent the part until the new one comes in. It is two different companies for the purchase and the rental. All were in favor of the motion.

**-Discussion of Towing Company Concerns.** A letter was received from Ron Geoffroy Sr. regarding a situation in March 2004 that occurred in Milford. Mr. Geoffroy's son needed to have his car towed and received a bill that seemed excessive to Mr. Geoffroy. Further, he requested some sort of closure with the Town. Vice Chairman Daniels recommended that he and Selectman Pickett take these concerns under advisement in the review of the policy as discussed earlier. Chairman Herman indicated the Town needs to reply to the individual regarding the fees charged for the towing. Kent Sheldon advised the Board that a rate sheet was developed a few years ago when the policy was first drafted - that sheet was made available to the Police Department and to the newspaper. Selectman Pickett asked if a letter could be sent to the towing companies that are abusing the towing situations. Selectman Mannino noted that this is only one side of the story and we may find out that this is not what happened or there may be other circumstances that come into play. Selectman O'Connell is more concerned with the length of time the car spent at a facility and the increasing cost for that storage. Chairman Herman does not feel the Board of Selectmen is involved in this correspondence. Selectman Pickett would like this letter from Mr. Geoffroy Sr. forwarded to the



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towing company so they know what was said. Town Administrator Chambers suggested a letter be written to the towing company to ask for an explanation; she agrees with Selectman Mannino that the Board should hear both sides of the story. Selectman Pickett asked if the Town should get involved at that level every time something like this happens? Town Administrator Chambers noted that the Town allows these tow companies to be on the call list, so the Town is involved. Vice Chairman Daniels thinks it needs to be consistent because sometimes the people are not there to make the decision of who to call for a tow. It was agreed that a letter be sent from the Town to the towing company requesting an explanation of what transpired, and a copy sent to Mr. Geoffroy Sr.

**-Review of Pennichuck Contract.** With the Water District process running the direction it is going now, Chairman Herman indicated this contract would suggest that Milford's contract is at risk by virtue of this document and would be negated. Nashua will own the water company by eminent domain before it is bought by the water district. Selectman O'Connell asked what that does to the contract if Milford is not a member? Town Administrator Chambers said a new bulk agreement would need to be drafted. Chairman Herman asked if the final draft of the water charter has been provided to all Board members, and if not, it needs to be distributed and reviewed so that all members are aware of what is going on. Vice Chairman Daniels asked what needs to be done with this contract. Chairman Herman said it is just to be aware. Town Administrator Chambers indicated that Bill Drescher suggested the Town contact the PUC so that the City of Nashua will maintain the contract. Chairman Herman is not comfortable at all that Nashua is taking this company by eminent domain. She is not excited that the way money is spent on this process is solely at the discretion of the City of Nashua. Town Administrator Chambers explained that our contract is with Pennichuck and if they go away, that contract goes away and she feels a new contract would need to be done. Selectman O'Connell moved to have Town Administrator Chambers file a letter to the PUC requesting that once this takeover is done, that the owner should honor the Town's bulk water contract. Selectman Pickett seconded. All were in favor.

A copy of the Board's press release regarding the water company was re-worded by Chairman Herman and needs Board review. A public hearing needs to be set up so that people can have the opportunity to comment and get to their legislatures. Town Administrator Chambers would like to add in the newspaper article something about Milford's representation being structured equitably from the Town's point of view. Chairman Herman softened a lot of the newspaper article, but it will let the citizens know what is going on. Vice Chairman Daniels believes the most important thing right now is to educate the people and get their feedback - we need to be straight with them. It is too important an issue to soften things. Chairman Herman feels that the majority of the people that attend the meeting might be people that don't live in Milford. Selectman Pickett asked if anyone has looked at what it would take to get the Town on its own water. Town Administrator Chambers said the only area we have found with water would only support West Milford but we could approach Wilton because they also have some issues. Chairman Herman said she would set up a meeting with the Wilton Board of Selectman. Selectman Pickett will talk with people at the WWTF about developing a plan to have a water department.

**-Discussion of Telephone Pole Licenses.** Town Administrator Chambers called Verizon about pole placement and conveyed the Board of Selectmen concern that the petition should be received prior to the poles being set. The person Town Administrator Chambers spoke with strongly urged the Town to re-consider this because she feels that the Town would be unhappy with the timing and the speed of getting poles in and Town Administrator Chambers agreed with that. DPW would be seriously impacted because they would need to go check and re-check. Town Administrator Chambers suggested that if there is a problem area, could that be addressed instead of making a blanket change. Selectman O'Connell asked if Verizon knows there needs to be a pole at a certain location, could they call to let us know. Town Administrator Chambers said they do that but then it takes about 6 months to get the poles in. Doing this could add 2 weeks or 2 months to the task. The Verizon rep would like to come before the Board of Selectman. Vice Chairman Daniels asked why the Town authorizes the poles at all. Town Administrator Chambers said the Town can tax the poles. Town Administrator Chambers believes that the developers will be coming in to discuss this frequently and the Town will have issues as well. She would like to have the rep come in. Vice Chairman Daniels does not mind her coming in but does not like the system being mocked for permission after the fact. Selectman Mannino asked what happens if the request is denied. Town Administrator Chambers agreed it does seem ridiculous. Selectman O'Connell thinks it makes more sense to have them look at the locations before the pole is installed. Chairman Herman asked if this rep is willing to hear the Town's concerns. Town Administrator Chambers said she is and Ms. Chambers will also invite Bill Ruoff and Chief Pauley who are also involved in the placement of poles.

**-Volunteer Management Program Discussion.** Chairman Herman suggested this program be turned over to Ruth Bolduc. Vice Chairman Daniels moved to turn over the volunteer program to the Human Resources Department,

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under Ruth Bolduc. Selectman O'Connell seconded for discussion. Selectman Pickett asked what Ruth's workload is like. Town Administrator Chambers said right now she is working on two reorganization plans with job descriptions and she will be busy with that until the end of May. She is also focusing on an orientation plan for department heads. Chairman Herman called for the vote and all were in favor.

**-Request to Plant a Memorial Shrub on the Oval.** The Xxth Century Mooreland Club of Milford has requested Board of Selectmen permission to plant a small shrub on the oval near the granite bench that is near the reading children. Chairman Herman asked about the maintenance of the shrub. Town Administrator Chambers indicated in the past if people wanted to place any more vegetation on the oval, they have been asked to find another place. She suggested using the Ricciardi Hartshorn Park on Union Street for placement of the shrub. Selectman Mannino moved to approve the placement of a shrub at the Union Street park location subject to approval by DPW. Selectman Pickett seconded. All were in favor.

**-Appointment of a Board of Selectmen Representative to the Library Trustees.** Town Administrator Chambers explained the trustees meet on the third Tuesday of every month. Vice Chairman Daniels said he could be the representative but would not be available to attend all meetings. Selectman Pickett moved to nominate Vice Chairman Daniels as the Library Trustee representative. Selectman Mannino seconded. All were in favor.

**-Request for Water/Sewer Abatements (2).** There were two requests for water/sewer abatements. Town Administrator Chambers explained that one property is in the mobile home park and the Town made a deal with the owner of the property. Vice Chairman Daniels requested the language on the abatements be cleaned up. Town Administrator Chambers indicated that one of the properties requesting abatement is located in Amherst and the property cannot be lienied. Vice Chairman Daniels moved to approve the requested abatements for water/sewer as follows:

<u>Account</u>	<u>Location</u>	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
2091400	34 Border St.	\$27.97	0	\$ 27.97
6296000	545 Elm St. #33	\$56.24	\$51.21	\$107.45

Selectman Pickett seconded the motion. All were in favor.

**-Acceptance of Timber Tax Levy (1).** Vice Chairman Daniels moved to accept a Timber Tax Levy in the amount of \$ 0. Selectman Pickett seconded. All were in favor.

**-Execution of Water User Fees and Sewer User Fees for the Month of May 2004.** The Water User and Sewer User fees for the month of May 2004 were unanimously approved on motion made by Vice Chairman Daniels and seconded by Selectman O'Connell as follows:

Water Users:	\$ 63,486.86	(May 2004)
	\$ 518.40	(April 2004 finals)
Sewer Users:	\$116,119.28	(May 2004)
	\$ 725.69	(April 2004 finals)

### 7. ITEMS NOT ON THE AGENDA.

**-DPW Organization.** Town Administrator Chambers indicated Bill Ruoff would be coming to the next Board of Selectmen meeting with pay ranges and job descriptions. Vice Chairman Daniels asked if the pay ranges will be kept on the side of the organizational chart? Town Administrator Chambers needs to look at her notes to confirm that.

**-Engine 3 Repair Quotes.** Selectman Pickett has looked into the Engine 3 Repair quotes, but he would like to look deeper into it and will summarize what he finds for discussion at the next Board of Selectmen meeting.

**-Orientation Surveys.** Chairman Herman would like to get the surveys for the orientation program to all Board of Selectmen members for review and input.

**-Crime Watch.** Selectman O'Connell met with Polly Cote, Irene Shepard and Chief Douglas and they would like to get a neighborhood Crime Watch going. She would like it on the agenda at the next meeting or the first meeting in

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June. Selectman O'Connell will be the facilitator, but not the Board of Selectmen representative. This is something these ladies are very passionate about.

**-Concerned Citizens.** Vice Chairman Daniels has been contacted by a citizen about the burning of the building on Middle Street recently. Heavy smoke drifted into this person's neighborhood and this citizen felt there should have been a different method used to destroy the building. Selectman Mannino was contacted by a citizen who is concerned about the Town office hours and availability.

**-Communication Tower.** Selectman Pickett has not heard much from the emergency agencies that they are waiting on the communication tower for improved service. He has heard at Board of Selectmen meetings that the current tower is hampering the communications, but he has not formally heard that from any of the chiefs. Town Administrator Chambers noted that Chief Pauley is holding up a radio order until the tower is installed.

**-Employee Hours.** Town Administrator Chambers attended a seminar last week, during which a point was brought home for her concerning employees who have too much work to do and do not go home on time and come in early, but are not paid. It seems wrong to discipline good employees but she feels the Town really needs to put its foot down about it. If people work they should be paid. If we cannot afford to pay them they must leave work. Chairman Herman asked if these are hourly people. Town Administrator Chambers said it is only the hourly non-exempt people. Selectman Mannino agrees with Town Administrator Chambers and feels it needs to be done tactfully. Selectman Pickett understands the problem but there may be other options. Selectman O'Connell agrees that something needs to be done, but feels there should be some flexibility allowed and some overtime could be allowed for certain circumstances. Vice Chairman Daniels' concern is breaking labor laws, which could put the Town at risk. The Town Administrator or HR Director needs to have a talk with Department Heads to make it clear that this type of thing needs to stop. Chairman Herman agreed it needs to be dealt with and she feels it is Town Administrator Chamber's responsibility and it is the Department Heads that need to carry it out. The hours employees work need to be defined within the Town regulations and not according to what the employee wants. Town Administrator Chambers will address the issue and let the Board of Selectmen know of the progress.

### 8. INFORMATION ITEMS.

### 9. ANNOUNCEMENTS.

**-Next BOS Meeting.** The next regular meeting of the Board of Selectmen will be Monday, 24 May 2004, at 5:30 p.m.

There being no further business to come before this Meeting, the Board adjourned at 10:29 p.m.

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Chairman

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Vice Chairman

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